

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:08CR33

UNITED STATES OF AMERICA

VS.

CHRISTOPHER JASON WOODARD

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ORDER

THIS MATTER is before the Court on the Government's motion to correct sentence pursuant to Fed. R. Crim. P. 35(a).

Rule 35(a) provides that a Court may correct a sentence that "resulted from arithmetical, technical, or other clear error" within seven days after sentencing. **Fed. R. Crim. P.35(a)**. On July 29, 2009, the Court sentenced the Defendant to a 110-month term of imprisonment followed by a three year term of supervised release for violating 21 U.S.C. § 841. **See Judgment in a Criminal Case, filed July 30, 2009.** Pursuant to 21 U.S.C. § 841(a)(1)(B), the term of supervised release for a violation of § 841 if there is a prior conviction for a felony drug offense is "8 years in addition to such term of imprisonment." **21 U.S.C. § 841(a)(1)(B).**

Inasmuch as the record establishes that the Defendant has prior felony drug convictions, the three year term of supervised release imposed clearly is contrary to this statute.

IT IS, THEREFORE, ORDERED that the Government's motion is **ALLOWED.**

IT IS FURTHER ORDERED that the Clerk prepare an amended judgment correcting the term of supervised release from 3 years to 8 years. All remaining terms and conditions of the original Judgment remain in full force and effect.

Signed: August 3, 2009

A handwritten signature in black ink, appearing to read 'Lacy H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

